

be taken within twenty-one (21) calendar days from the date the decision is rendered by the administrative official. Written notice of the appeal shall be delivered to the administrative official or his authorized representative. The administrative official will publish in a newspaper of local circulation (as defined in Chapter 50, Florida Statutes) a notice of hearing at least seven (7) calendar days prior to the hearing. The cost of such publication will be paid by the petitioner. The hearing before the board shall be conducted pursuant to rules and procedures established for such proceedings by city council.

.5 *Appeals of a board decision.* Anyone may appeal a decision of the board to the city council. In order to appeal a decision, the petitioner must deliver a notice of appeal to the city clerk within ten (10) calendar days of the date of the board's decision. The notice of appeal must specify the decision being appealed and the specific reasons for the appeal. The notice of appeal shall be placed as an item on the next available regular agenda of the city council. No discussion of the merits of the appeal will be permitted; the mayor will request a vote of council to determine if it wishes to hear the appeal. If a majority of council votes to hear the appeal, a hearing at a special meeting of city council will be scheduled within twenty-one (21) days of the vote by council. The city clerk will publish in a newspaper of local circulation (as defined in Chapter 50, Florida Statutes) a notice of hearing at least three (3) calendar days prior to the hearing. The cost of such publication will be paid by the petitioner. The hearing before the board shall be conducted pursuant to rules and procedures established for such proceedings by city council.

.6 *Stay of proceedings.* An appeal to the board of a decision of the administrative official or an appeal to the city council of a decision of the board shall cause all matters relating to the appeal to be stayed until the conclusion of the appeal process. However, after receipt of the notice of appeal, the stay may be lifted by the administrative official if, in his opinion, the facts in the notice of appeal would cause imminent peril to life and/or property.

(Ord. No. 562, §§ 1—5, 5-20-96; Ord. No. 562-A, §§ 1—3, 3-3-97; Ord. No. 562-B, §§ 1—3, 1-5-98)

Sec. 54. Amendments.

To make any amendments to this ordinance, either to the text or to the zoning district map, the procedures shall be in accordance with the requirements set forth in the Charter of the City of Brooksville, Chapter 15103, Laws of Florida, 1931, as subsequently amended, and Appendix C, Administrative Procedure, Land Use Regulations for Brooksville, Florida, which is hereby made a part of this ordinance, shall be followed. If any given use is not permitted in a given zoning district by the provisions of this ordinance, it may not be permitted by any agency unless this ordinance is amended according to the required amendment procedure.

(Ord. No. 228, § 1, 4-2-73)

Sec. 55. Development plat required.

The commission or board, as applicable, shall require the submission of a development plat showing all the appropriate and applicable data and information required for development plats when an applicant submits a request for a planned development project or special exception use permit application. In addition, the commission may require the submission of a development plat as a condition to the reviewing of any proposed zoning amendment petition. The data and information which shall be shown on all development plats, as appropriate and applicable to the type and nature of the project and land for which the development plat is being prepared, shall be as set forth in Appendix C, Administrative Procedures, Land Use Regulations for Brooksville, Florida, which is hereby made a part of this ordinance.

Sec. 56. Administrative fees and cost of public notice.

Regulations concerning collection of costs, charges, fees and expenses in connection with zoning permits, certificates of use, public notice and commission and board review and administration of planned development projects, special exception uses, appeals and zoning amendment petitions shall be as set forth in Appendix C,

Sept. 22, 2004

Ms. Karen Phillips
City of Brooksville
201 N. Howell Ave.
Brooksville, FL 34601

09-24-04 P03:22 IN



Re: VR2004-02
VLT, Inc., Gary Schraut, President
Broad Street Parcel – 730 S. Broad St.
(CEA 04120)

Dear Ms. Phillips,

Our client, VLT, Inc. with Gary Schraut as its President, has authorized us to appeal the Planning and Zoning Commission's recent decision concerning variance petition number VR2004-02 referenced above. The reason for our appeal is that the Planning and Zoning did not give sufficient consideration to the special conditions related to the subject property, which are stated in the attached copy of our submittal. We would appreciate being heard at the earliest scheduled City Council meeting.

Sincerely,

Cliff Manuel
President

Attachment

cc: Mr. Gary Schraut, Pres., VLT, Inc.

PC - REA
DAVID
BILL C
KS

August 12, 2004



Mr. Bill Geiger
City of Brooksville
201 Howell Ave.
Brooksville, FL 34601

Re: Variance Petition
VLT, Inc. – Broad Street Parcel
(CEA 04120)

Dear Mr. Geiger,

Please find attached all items as indicated on the attached variance petition checklist. The applicant is requesting a reduction in building setbacks; a deviation from landscaping requirements; relief from the required number of parking spaces; and the ability to drain to the rear of the property.

The applicant proposes to construct a 6,000 square foot office building on a rectangular parcel of property, located just north of Goodyear on US 41. With only 100 feet of frontage along US 41, development of the parcel will require relaxation of the side setbacks and buffers on the north and the south. For visibility and consistency in view, the building front has been brought forward to a depth similar to the Goodyear store. Twenty-one parking spaces have been provided, which the applicant feels is sufficient for his proposed use of a majority of the parcel as a real estate office.

The applicant believes that the proposed development of the site is beneficial to the City, providing infill use on a difficult parcel. The proposed reductions in setbacks will not negatively impact the Goodyear store, since they have developed their site in a similar fashion. The proposed site plan will incorporate sufficient landscaping in clustered areas to exceed what is provided at Goodyear. The parcel to the north is a drainage retention area, thus the proposed variations in setbacks will not affect any activity on that parcel.

Building Setbacks

Required: Side = 10' Front = 75' Rear = 25'

Requested: South Side = 4' North Side 10' Front (US 41) = 20' Rear = 25'

Landscaping

Required: Type A Buffer on the north side of subject property

Engineering • Planning • Environmental • Construction Management • Transportation

966 Candlelight Boulevard • Brooksville, Florida 34601
352-796-9423 • Fax 352-799-8359
e-mail: coastal@coastal-engineering.com

Desired: Relief from providing such buffer, as this part of the subject property abuts an FDOT drainage retention area which has an existing sodded berm approximately 4' high.

Parking Spaces

Required: 24 parking spaces are required based on the proposed building square footage

Desired: Due to the limited sized of the parcel, only 21 can be safely provided.

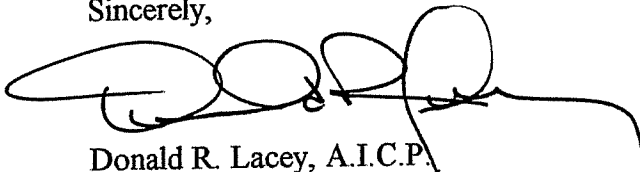
Drainage

The property naturally drains to the rear. A drainage ditch runs behind the subject parcel, along Fridy Place to an inlet at the corner of Veterans Ave. and Fridy Place (behind Luigi's). We request that the City continue to accept the drainage from the subject property into their system.

Summary

The size and shape of the subject property severely restricts the reasonable use of the land creating a special condition. The acquisition of additional right-of-way, by FDOT, for the recent widening of U.S. Highway 41 has created a hardship with regards to being able to provide the required 75' front setback.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald R. Lacey', with a long horizontal flourish extending to the right.

Donald R. Lacey, A.I.C.P.
Sr. Vice President

Attachments.

xc: Mr. Gary Schraut

8895

THE HERNANDO COUNTY BANK
BROOKSVILLE, FL 34601
63-1311/631

GARY E. SCHRAUT, CCIM, CRS, GRI
PH. (352) 799-3000
POST OFFICE BOX 1104
BROOKSVILLE, FL 34605-1104

8/30/2004

\$ **150.00

Pay to the
Order of

Coastal Engineering

One Hundred Fifty and 00/100



Dollars

Coastal Engineering

966 Candlelight Blvd
Brooksville, FL 34601

VLT Inc Expenses for Broad Street Variance

memo

⑈008895⑈ ⑆063113112⑆ 15225249⑈05

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Donald R. Lacey, Coastal Engineering Assoc., Inc. being duly sworn, hereby depose and say
VLT, Inc. is the owner of the herein described property to-wit:

(Insert Legal Description Below)

Attached.

AGENT OF RECORD LETTER

To: HERNANDO COUNTY PLANNING DEPT.

I, Gary E. Schraut, President, VLT, Inc. , hereby
designate and
appoint COASTAL ENGINEERING ASSOCIATES, INC. as my Agent of Record for
the purposes of representing me during the following application and review/hearing processe(s):

Rezoning

Date:



Applicant/Owner (signature)

Applicant's Representative

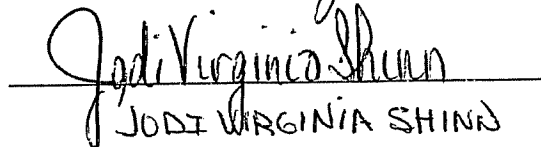
Coastal Engineering Associates, Inc.
966 Candlelight Blvd.
Brooksville, FL 34605
Ph. (352) 796-9423 Fax (352) 799-8359

STATE OF FLORIDA

COUNTY OF Hernando

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly
qualified to administer oaths and take acknowledgments,
GARY E. Schraut me known to be the person described in and
who executed the above and foregoing Agent of Record Letter and who acknowledged before me
that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this
16th day of August, 2004.


JODI VIRGINIA SHINN

NOTARY PUBLIC
State of Florida at Large



Jodi Virginia Shinn
My Commission DD114183
Expires May 02, 2006

☒ Personally known to me

☐ Presented identification

☐ DID Take an oath ☒ DID NOT take an oath

My Commission Expires:
May 2, 2006

2/2 10:50

** OFFICIAL RECORDS **
BK: 1796 PG: 884

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Sherry M. Newgent
Linsky & Reiber Real Estate & Title Services
26650 Wesley Chapel Blvd., Ste D
Lutz Fl 33559

R

Property Appraisers Parcel Identification (Folio) Number: R22-222-19-2270-0100-0080

FILE# 2004-011476
HERNANDO COUNTY, FLORIDA

RCD 02M 23 2004 02:29pm
KAREN NICOLAI, CLERK

DEED DOC STAMPS 612.50
02/23/04 *lp* Deputy Clk

SPACE ABOVE THIS LINE FOR RECORDING DATA.

THIS WARRANTY DEED, made the 13th day of February, 2004 by Donald J. Miller, herein called the grantor, to VLT, Inc., a Florida Corporation whose post office address is P.O. Box 1104, Brooksville, FL 34605-1104, hereinafter called the Grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in HERNANDO County, State of Florida, viz.:

Lot 8 and the North 30 feet of Lot 9, Block 10, HALEMONT ADDITION, SECTION #2, according to the map or plat thereof, as the same is recorded in Plat Book 5, Page 34, of the Public Records of Hernando County, Florida. LESS AND EXCEPT that portion of a parcel of land situated in the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 22 South, Range 19 East, Hernando County, Florida and being a part of Lots 8 and 9, Block 10, Halemont Addition, Section #2, as per map or plat thereof recorded in Plat Book 5, page 34, of the Public Records of Hernando County, Florida and being described as follows: Commence at an iron rod with cap marking the Southernmost corner of Lot 12, Block 10, Halemont Addition, Section #2; thence South 60 degrees 42'29" East, along the existing Northerly right-of-way line of Daniel Avenue West, a distance of 140.00 feet to a point on the existing Westerly right-of-way line of State road 45 (US Highway 41); thence North 29 degrees 18'26" East, along the existing Westerly right-of-way line of State Road 45, a distance of 179.71 feet to a point on a line 40.00 feet Northeast of, measured at right angles to, and parallel with the Southwesterly line of Lot 9, Block 10, of said Halemont Addition, Section #2 for the POINT OF BEGINNING; continue thence North 29 degrees 18'26" East, along the existing Westerly right-of-way line of State Road 45, a distance of 99.96 feet to a point on the Northeasterly line of Lot 8, Block 10, of said Halemont Addition, Section #2; thence North 60 degrees 40'50" West, along the Northeasterly line of said Lot 8, Block 10, a distance of 31.97 feet; thence South 29 degrees 17'31" West, a distance of 99.85 feet to a point on a line 40.00 feet Northeast of, measured at right angles to, and parallel with the Southwesterly line of said Lot 9, Block 10; thence South 60 degrees 28'23" East, along said line, a distance of 31.94 feet to the POINT OF BEGINNING.

Subject to easements, restrictions and reservations of record and to taxes for the year 2004 and thereafter.

Subject property is vacant land.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Raylene D. Biederman
Witness #1 Signature

RAYLENE D. BIEDERMAN
Witness #1 Printed Name

Andrea Holmes Weston
Witness #2 Signature

Andrea Holmes Weston
Witness #2 Printed Name

Donald J. Miller
Donald J. Miller
1 Curry Drive, North Vernon, In 47265

STATE OF FLORIDA
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 17th day of February, 2004 by Donald J. Miller who is personally known to me or has produced DL-8940-50-6625 as identification.

SEAL

Sherrie L. Cook
Notary Public

SHERRIE L. COOK
Printed Notary Name

My Commission Expires:



Sherrie L. Cook
MY COMMISSION # 00289833 EXPIRES
November 24, 2007
BONDED THROUGH TROY FAIR INSURANCE, INC.

PETITION FOR VARIANCE OF LAND USE REGULATIONS

TO THE CITY OF BROOKSVILLE, FLORIDA
PLANNING & ZONING COMMISSION

The undersigned Petitioner/Property Owner hereby submits this Petition for a Zoning Variance of Land Use Regulations for the following described property, to wit:

(Insert typewritten legal description)

attached

Subject Property Address:

PETITIONER IS SPECIFICALLY REQUESTING VARIANCES FROM THE FOLLOWING.

Zoning Variance of Land Use Regulations

1

Community Development

Lot 8 and the North 30 feet of Lot 9, Block 10, HALEMONT ADDITION, SECTION #2, according to the map or plat thereof, as the same is recorded in Plat Book 5, Page 34, of the Public Records of Hernando County, Florida. LESS AND EXCEPT that portion of a parcel of land situated in the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 22 South, Range 19 East, Hernando County, Florida and being a part of Lots 8 and 9, Block 10, Halemont Addition, Section #2, as per map or plat thereof recorded in Plat Book 5, page 34, of the Public Records of Hernando County, Florida and being described as follows: Commence at an iron rod with cap marking the Southernmost corner of Lot 12, Block 10, Halemont Addition, Section #2; thence South 60 degrees 42'29" East, along the existing Northerly right-of-way line of Daniel Avenue West, a distance of 140.00 feet to a point on the existing Westerly right-of-way line of State road 45 (US Highway 41); thence North 29 degrees 18'26" East, along the existing Westerly right-of-way line of State Road 45, a distance of 179.71 feet to a point on a line 40.00 feet Northeast of, measured at right angles to, and parallel with the Southwesterly line of Lot 9, Block 10, of said Halemont Addition, Section #2 for the POINT OF BEGINNING; continue thence North 29 degrees 18'26" East, along the existing Westerly right-of-way line of State Road 45, a distance of 99.96 feet to a point on the Northeasterly line of Lot 8, Block 10, of said Halemont Addition, Section #2; thence North 60 degrees 40'50" West, along the Northeasterly line of said Lot 8, Block 10, a distance of 31.97 feet; thence South 29 degrees 17'31" West, a distance of 99.85 feet to a point on a line 40.00 feet Northeast of, measured at right angles to, and parallel with the Southwesterly line of said Lot 9, Block 10; thence South 60 degrees 28'23" East, along said line, a distance of 31.94 feet to the POINT OF BEGINNING.

Subject to easements, restrictions and reservations of record and to taxes for the year 2004 and thereafter.

Subject property is vacant land.

ACKNOWLEDGMENT

All information submitted within this Petition is in all respects true and correct to the best of my knowledge and belief.

Witness Signature: _____

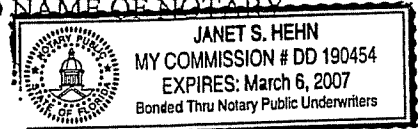
Owner/Agent Signature: _____

STATE OF FLORIDA
COUNTY OF Hernando

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
DAY OF August, 2004 BY THE ABOVE PERSON(S) Donald R. Lacey
WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED
_____ AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN
OATH.

Janet S. Hehn
SIGNATURE OF NOTARY

PRINTED NAME OF NOTARY



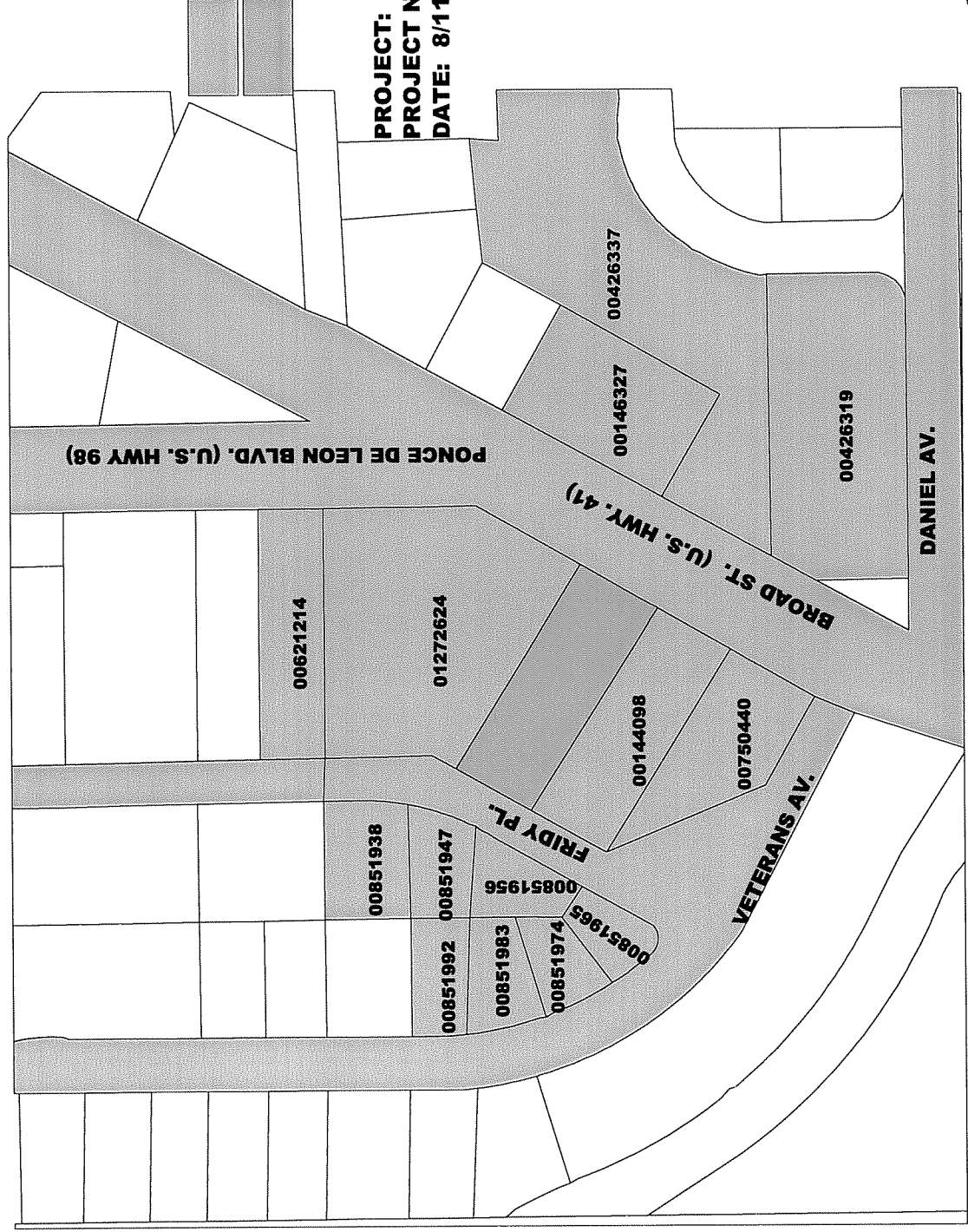
G:\WP_WORK\Bgcig\Planning\old\boards\PET_FORMOWN_AFF WPD

ADJACENT PROPERTY OWNERS MAP



ADJACENT PROPERTY OWNERS
SUBJECT PARCEL - KEY
NO. 0014089 AND 01522944

PROJECT: VLT, INC. - BROAD ST PARCEL
PROJECT NO. 04120
DATE: 8/11/04



NOTE: THIS MAP WAS CREATED USING HERNANDO
COUNTY PROPERTY APPRAISER INFORMATION.

